

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re REFCO INC. SECURITIES LITIGATION

Case No. 07-md-1902 (JSR)

This Document Relates to:

KENNETH M. KRYs, *et al.*,

Plaintiffs,

v.

DEUTSCHE BANK SECURITIES INC., *et al.*,

Defendants.

Case No. 10-cv-3594 (JSR)

**STIPULATION AND
SPECIAL MASTER ORDER**

STIPULATION AND SPECIAL MASTER ORDER

WHEREAS, on June 17, 2010, in accordance with a Stipulation and Order, dated May 26, 2010, setting forth a briefing schedule ("Briefing Schedule") in *Krys, et al. v. Deutsche Bank Securities Inc., et al.*, 10-cv-3594 ("Krys v. Deutsche Bank Action"), Plaintiffs filed and served a complaint ("Complaint") on Deutsche Bank Securities Inc., Deutsche Bank Trust Company Americas and Deutsche Bank AG (collectively, "DB Defendants");

WHEREAS, pursuant to the Amended Confidentiality Compliance Order dated May 5, 2010 ("Confidentiality Order"), entered by Judge Rakoff in *In re Refco, Inc. Securities Litigation*, 07-md-1902 (the "Refco MDL"), the Complaint was required to be filed under seal, as it contains information designated confidential by a DB Defendant in the Refco MDL, and was filed under seal in the Refco MDL;

WHEREAS, pursuant to a Special Master Sealing Order, dated June 22, 2010, the Complaint was then filed under seal in the Krys v. Deutsche Bank Action and the sealed filing of the Complaint was made subject to the provisions of the Confidentiality Order;

WHEREAS, on August 16, 2010, pursuant to the Briefing Schedule set forth in the Krys v. Deutsche Bank Action, the DB Defendants filed and served a memorandum of law in support of their motion to dismiss the Complaint, an accompanying declaration, and exhibits thereto;

WHEREAS, pursuant to the Confidentiality Order and a Stipulation and Special Master Order Regarding Page Limits and Filing Under Seal, dated August 16, 2010, the memorandum of law in support of the DB Defendants' motion to dismiss the Complaint, the accompanying declaration, and exhibits thereto, were required to be filed under seal, as they contained information designated confidential in the Refco MDL, and were filed under seal in both the Refco MDL and the Krys v. Deutsche Bank Action;

IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the undersigned parties, that:

1. The DB Defendants withdraw any confidentiality designation for the information and quotations contained within the Complaint, without prejudice to the continued confidentiality of the full text of documents referenced by the Complaint and designated confidential in the Refco MDL (unless those documents are covered by #4 below);
2. Plaintiffs shall refile the Complaint, not under seal, in the Krys v. Deutsche Bank Action and the Refco MDL;

3. The DB Defendants withdraw any confidentiality designations from the Refco MDL that might apply to information or quotations in the memorandum of law in support of the DB Defendants' motion to dismiss the Complaint;

4. The DB Defendants withdraw any confidentiality designations from the Refco MDL that might apply to the documents filed as exhibits to the motion to dismiss the Complaint; and

5. The DB Defendants shall refile the memorandum of law in support of the DB Defendants' motion to dismiss the Complaint, the accompanying declaration, and exhibits thereto, not under seal, in the Krys v. Deutsche Bank Action and the Refco MDL.

DATED: August 27, 2010

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Co-Counsel to Plaintiffs

SO ORDERED this 31 day of August, 2010


HON. RONALD HEDGES
SPECIAL MASTER

DATED: August 27, 2010

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